

TEXAS TRANSPORTATION COMMISSION

KAUFMAN County

MINUTE ORDER

Page 1 of 1

DALLAS District

In the City of Kaufman, Kaufman County, on SH 34, the State of Texas acquired certain land for highway purposes.

A portion of the land, which portion is described as the right of way of SH 34 between and including the two tracts described in Exhibit A (the right of way tract), is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (the commission) may recommend the transfer of highway right of way to a governmental entity that is assuming or has assumed jurisdiction, control, and maintenance of the right of way for public road purposes. If, in the future, the right of way tract is no longer used for public road purposes, the right of way tract shall immediately and automatically revert to the State of Texas.

The City of Kaufman, Texas (the City) is assuming or has assumed jurisdiction, control, and maintenance and has requested that the right of way tract be transferred to the City.

IT IS THEREFORE ORDERED by the commission that the right of way tract, described as the right of way of SH 34 between and including the two tracts described in Exhibit A, is removed from the state highway system.

IT IS FURTHER ORDERED by the commission that the right of way tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the right of way tract to the City of Kaufman, Texas; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

IT IS FURTHER ORDERED that, if the right of way tract ceases to be used for public road purposes, it shall immediately and automatically revert to the state.

Submitted and reviewed by:

DocuSigned by:
Kyle Madson
BDEF0413AC9E4EC...
Director, Right of Way Division

Recommended by:

DocuSigned by:
Annex M Briss
A36629BA547D4BD
Executive Director

115862 Sept. 24, 2020

Minute Date
Number Passed

Description for Tract 1

**BEING** 227,002 square feet of land situated in the D. Falcon Survey, Abstract No. 151, Kaufman County, Texas, and being a portion of the first of two tracts of land, calling to contain a total of 25.253 acres as conveyed to the State of Texas, by deed, recorded in Volume 264 Page 396 O.P.R.K.C.T (Official Public Records of Kaufman County, Texas), and being a portion of that called 19.9015 acre "Parcel 2" conveyed to the State of Texas, by deed, recorded in Instrument Number 2016-0005505 O.P.R.K.C.T, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 3.25-inch aluminum disc stamped "Texas Department Of Transportation" found at a southwest corner of the remainder of that called 249.57 acre tract of land conveyed to Kaufman County, Texas, by deed, recorded in Volume 163 Page 526 O.P.R.K.C.T, and at an angle point in the north lines of said 19.9015 acre Parcel 2, and being at an angle point in the existing r.o.w. (right-of-way) line of S.H. (State Highway) 34, and having a Texas State Plane Coordinate System, NAD 83 (Epoch 2011), North Central Zone (4202) surface coordinate of North 6,894,412.08, East 2,638,129.41;

- 1) **THENCE** South 88 degrees 51 minutes 11 seconds West, over and across said 19.9015 acre Parcel 2, and over and across the existing r.o.w. of said S.H. 34, a distance of 68.00 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "Cobb Fendley & Associates" set at a southeast corner of the remainder of said 249.57 acre tract, and at an angle point in the north lines of said 19.9015 acre Parcel 2, and at an angle point in the existing r.o.w. of said S.H. 34, and being the beginning of a non-tangent curve to the right;
- 2) **THENCE** in a northerly direction, with said curve, and with a an east line of the remainder of said 249.57 acre tract, and with a west line of said 19.9015 acre Parcel 2, and with an existing west r.o.w. line of said S.H. 34, through a central angle of 26 degrees 35 minutes 29 seconds, having a radius of 1,034.00 feet, an arc length of 479.88 feet, whose chord bears North 12 degrees 08 minutes 43 seconds East, a distance of 475.59 feet to a 3.25-inch aluminum disc stamped "Texas Department Of Transportation" found at a north corner of the remainder of said 249.57 acre tract, and the most northerly northwest corner of said 19.9015 acre Parcel 2, and being at an angle point in the existing r.o.w. of said S.H. 34, and being on an east line of said State of Texas Portion of Part 1 (264/396);
- 3) **THENCE** South 49 degrees 58 minutes 38 seconds West, with a west line of the remainder of said 249.57 acre tract, and with an existing east r.o.w. line of said S.H. 34, also being with an east line of said State of Texas Portion of Part 1 (264/396), a distance of 485.74 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "Cobb Fendley & Associates" set at the beginning of a tangent curve to the right;

Description for Tract 1

- 4) **THENCE** in a southwesterly direction, with said curve, and continuing with a west line of the remainder said 249.57 acre tract, and with an existing east r.o.w. line of said S.H. 34, also being with an east line of said State of Texas Portion of Part 1 (264/396), through a central angle of 07 degrees 29 minutes 26 seconds, having a radius of 5,789.58 feet, an arc length of 756.90 feet, whose chord bears South 53 degrees 43 minutes 21 seconds West, a distance of 756.36 feet to a 3.25-inch aluminum disc stamped "Texas Department Of Transportation" found at a southwest corner of the remainder of said 249.57 acre tract, and the most westerly northwest corner of said 19.9015 acre Parcel 2;
- 5) **THENCE** South 82 degrees 06 minutes 48 seconds West, departing said existing east r.o.w. line of S.H. 34, and departing said east line of State of Texas Portion of Part 1 (264/396), and continuing over and across said r.o.w., and over and across said State of Texas Portion of Part 1 (264/396), a distance of 303.91 feet to a TX-DOT (Texas Department of Transportation) concrete r.o.w. monument found for corner in the east lines of a called 3,447.76 acre tract of land conveyed to SBR Land LLC., by deed, recorded in Volume 5814 Page 161 O.P.R.K.C.T., and in an existing west r.o.w. line of said S.H. 34, also being in a west line of said State of Texas Portion of Part 1 (264/396), and being the beginning of a non-tangent curve to the left;
- 6) **THENCE** in a northeasterly direction, with said curve, and continuing with an east line of said 3,447.76 acre tract, and with an existing west r.o.w. line of said S.H. 34, also being with a west line of said State of Texas Portion of Part 1 (264/396), through a central angle of 10 degrees 16 minutes 59 seconds, having a radius of 5,669.58 feet, an arc length of 1,017.55 feet, whose chord bears North 55 degrees 07 minutes 07 seconds East, a distance of 1,016.18 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "Cobb Fendley & Associates" set, from which a broken TX-DOT concrete r.o.w. monument bears South 40 degrees 01 minutes 22 seconds East, a distance of 0.70 feet for reference.
- 7) **THENCE** North 49 degrees 58 minutes 38 seconds East, continuing with an east line of said 3,447.76 acre tract, and with an existing west r.o.w. line of said S.H. 34, also being with a west line of said State of Texas Portion of Part 1 (264/396), a distance of 695.19 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "Cobb Fendley & Associates" set for corner;
- 8) **THENCE** South 40 degrees 01 minutes 22 seconds East, departing the east lines of said 3,447.76 acre tract, and the existing west r.o.w. lines of said S.H. 34, and the west lines of said State of Texas Portion of Part 1 (264/396), and continuing over and across said r.o.w., a distance of 120.00 feet to a 3.25-inch aluminum disc stamped "Texas Department Of Transportation" found at the most northerly corner of said 19.9015 acre Parcel 2, and at a northwest corner of the remainder of said 249.57 acre tract, and on an existing east r.o.w. lines of said S.H. 34, also being on an east line of said State of Texas Portion of Part 1 (264/396), and being the beginning of a non-tangent curve to the left;

Description for Tract 1

- 9) **THENCE** in a southwesterly direction, with said curve, and continuing with a west line of the remainder of said 249.57 acre tract, and with an east line of said 19.9015 acre Parcel 2, and with an the existing east r.o.w. line of said S.H. 34, through a central angle of 37 degrees 58 minutes 02 seconds, having a radius of 966.00 feet, an arc length of 640.12 feet, whose chord bears South 17 degrees 49 minutes 59 seconds West, a distance of 628.47 feet to the **POINT OF BEGINNING** and containing 227,002 square feet or 5.211 acres of land, more or less.

Note: Bearings shown hereon are referenced to the Texas Coordinate System of 1983, North Central Zone, and are based on the North American Datum of 1983, 2011 Adjustment. All distances and coordinates shown hereon are surface values displayed in US Survey Feet and may be converted to grid values by dividing those surface values by a Surface Adjustment Factor of 1.000114077.

Note: This written description is accompanied by a survey plat which covers the identical parcel that is shown hereon, signed and sealed on even date herewith and is hereby made a part of this document.

I, Zachary J. Nelson, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this legal description and accompanying plat of even survey date represent an actual survey made on the ground under my supervision.

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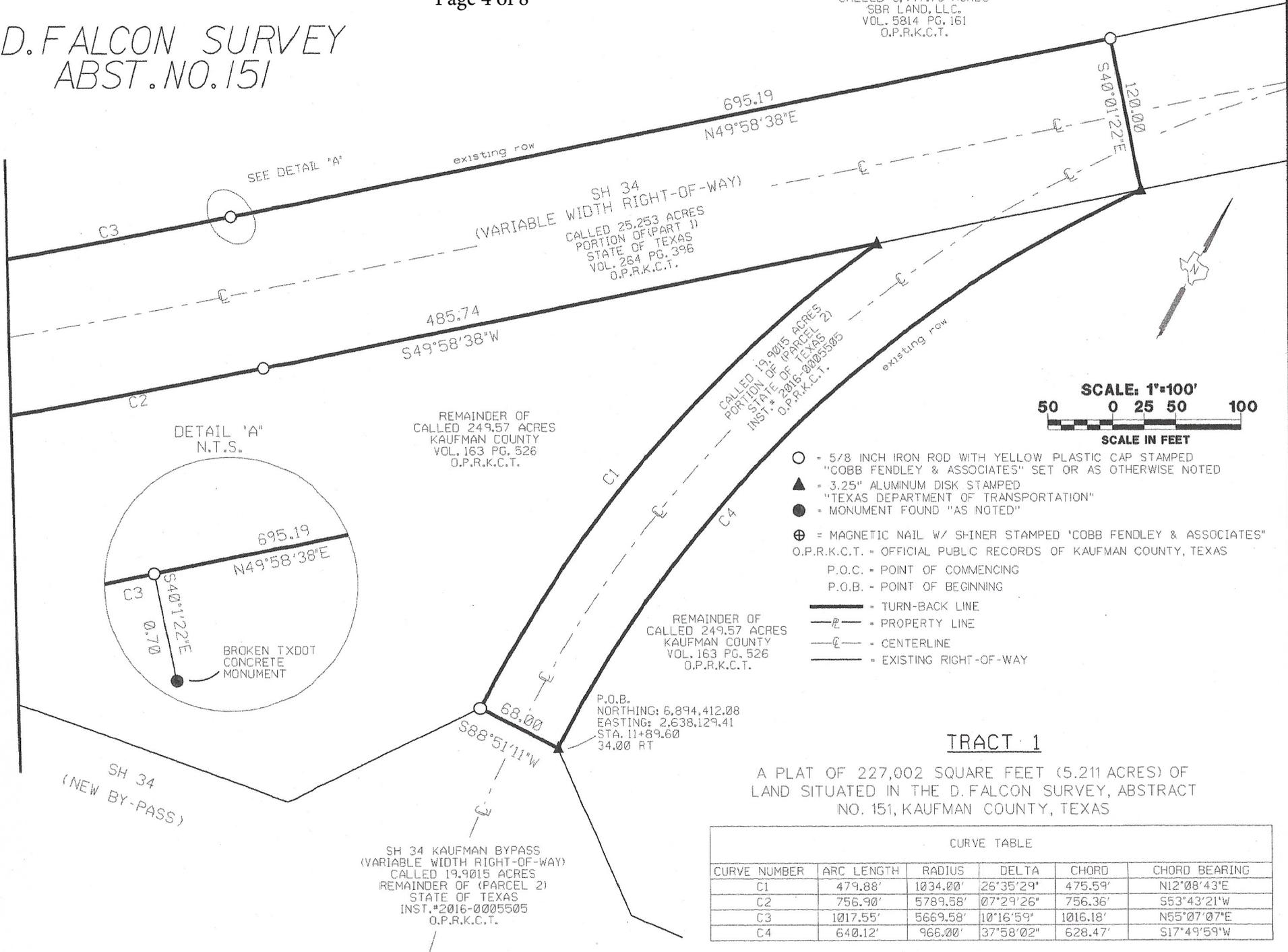
Zachary J. Nelson  
Texas Registered Professional Land Surveyor #6767  
TBPLS Firm Number 10194167  
CobbFendley  
University Centre I  
1300 South University Drive, Suite 300  
Fort Worth, Texas 76107



CALLED 3,447.76 ACRES  
SBR LAND, L.L.C.  
VOL. 5814 PG. 161  
O.P.R.K.C.T.

D. FALCON SURVEY  
ABST. NO. 151

SEE PAGE 5



SH 34  
(VARIABLE WIDTH RIGHT-OF-WAY)  
CALLED 25.253 ACRES  
PORTION OF (PART 1)  
STATE OF TEXAS  
VOL. 264 PG. 396  
O.P.R.K.C.T.

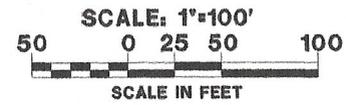
REMAINDER OF  
CALLED 249.57 ACRES  
KAUFMAN COUNTY  
VOL. 163 PG. 526  
O.P.R.K.C.T.

CALLLED 19,9015 ACRES  
PORTION OF (PARCEL 2)  
STATE OF TEXAS  
INST. # 2016-00005505  
O.P.R.K.C.T.

REMAINDER OF  
CALLED 249.57 ACRES  
KAUFMAN COUNTY  
VOL. 163 PG. 526  
O.P.R.K.C.T.

P.O.B.  
NORTHING: 6,894,412.08  
EASTING: 2,638,129.41  
STA. 11+89.60  
34.00 RT

SH 34 KAUFMAN BYPASS  
(VARIABLE WIDTH RIGHT-OF-WAY)  
CALLED 19,9015 ACRES  
REMAINDER OF (PARCEL 2)  
STATE OF TEXAS  
INST. # 2016-00005505  
O.P.R.K.C.T.



- = 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "COBB FENDLEY & ASSOCIATES" SET OR AS OTHERWISE NOTED
- ▲ = 3.25" ALUMINUM DISK STAMPED "TEXAS DEPARTMENT OF TRANSPORTATION"
- = MONUMENT FOUND "AS NOTED"
- ⊕ = MAGNETIC NAIL W/ SHINER STAMPED "COBB FENDLEY & ASSOCIATES"
- O.P.R.K.C.T. = OFFICIAL PUBLIC RECORDS OF KAUFMAN COUNTY, TEXAS
- P.O.C. = POINT OF COMMENCING
- P.O.B. = POINT OF BEGINNING
- = TURN-BACK LINE
- = PROPERTY LINE
- = CENTERLINE
- = EXISTING RIGHT-OF-WAY

TRACT 1

A PLAT OF 227,002 SQUARE FEET (5.211 ACRES) OF  
LAND SITUATED IN THE D. FALCON SURVEY, ABSTRACT  
NO. 151, KAUFMAN COUNTY, TEXAS

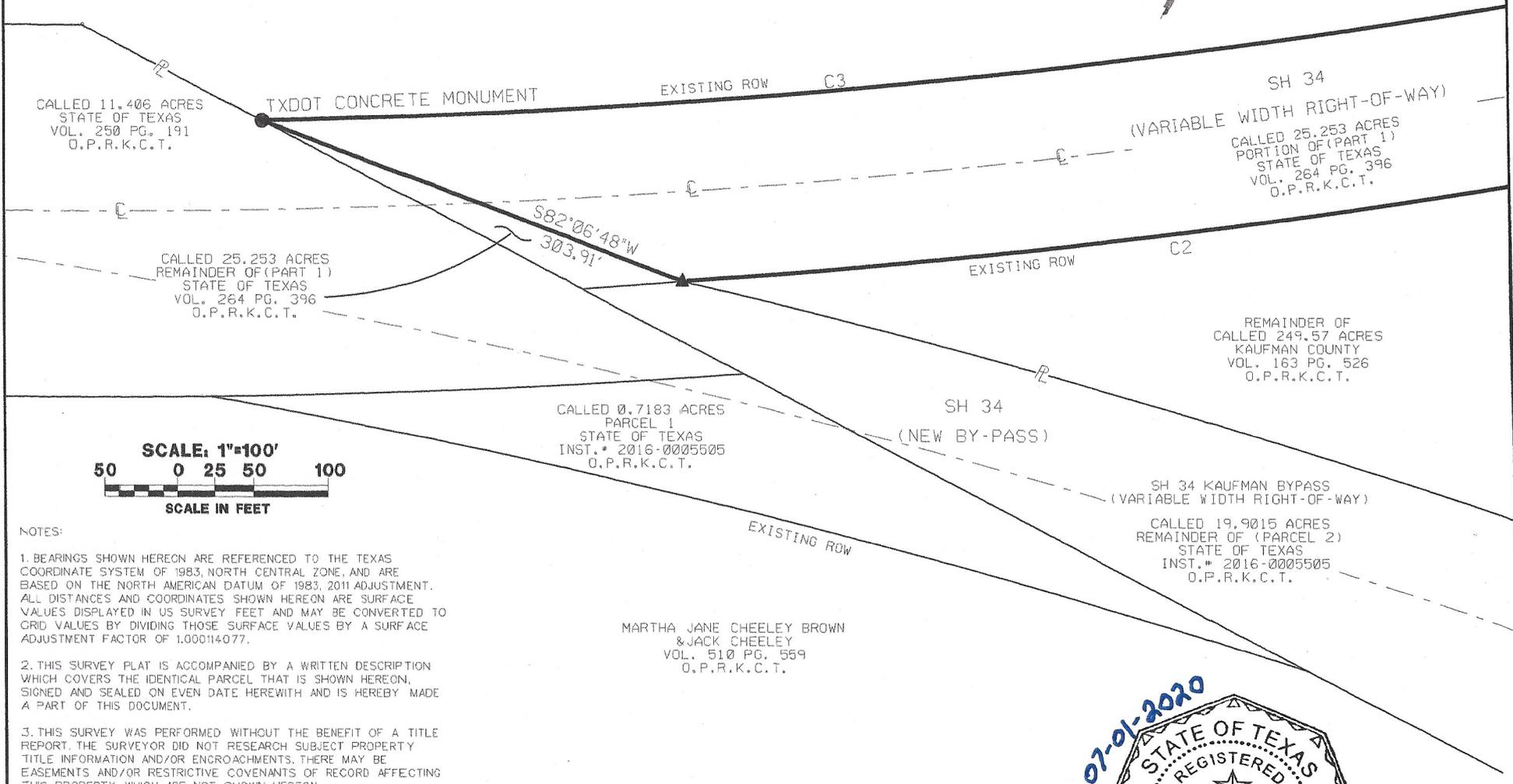
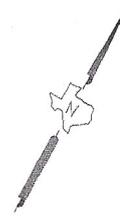
CURVE TABLE					
CURVE NUMBER	ARC LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	479.88'	1034.00'	26°35'29"	475.59'	N12°08'43"E
C2	756.90'	5789.58'	07°29'26"	756.36'	S53°43'21"W
C3	1017.55'	5669.58'	10°16'59"	1016.18'	N55°07'07"E
C4	640.12'	966.00'	37°58'02"	628.47'	S17°49'59"W

# D. FALCON SURVEY ABST. NO. 151

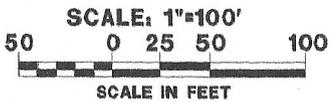
EXHIBIT "A" -

Page 5 of 8

CALLED 3.447,76 ACRES  
SBR LAND, LLC,  
VOL. 5814 PG. 161  
O.P.R.K.C.T.



SEE PAGE 4



- NOTES:
1. BEARINGS SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE, AND ARE BASED ON THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT. ALL DISTANCES AND COORDINATES SHOWN HEREON ARE SURFACE VALUES DISPLAYED IN US SURVEY FEET AND MAY BE CONVERTED TO GRID VALUES BY DIVIDING THOSE SURFACE VALUES BY A SURFACE ADJUSTMENT FACTOR OF 1.000114077.
  2. THIS SURVEY PLAT IS ACCOMPANIED BY A WRITTEN DESCRIPTION WHICH COVERS THE IDENTICAL PARCEL THAT IS SHOWN HEREON, SIGNED AND SEALED ON EVEN DATE HERewith AND IS HEREBY MADE A PART OF THIS DOCUMENT.
  3. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. THE SURVEYOR DID NOT RESEARCH SUBJECT PROPERTY TITLE INFORMATION AND/OR ENCROACHMENTS. THERE MAY BE EASEMENTS AND/OR RESTRICTIVE COVENANTS OF RECORD AFFECTING THIS PROPERTY WHICH ARE NOT SHOWN HEREON.

MARTHA JANE CHEELEY BROWN  
& JACK CHEELEY  
VOL. 510 PG. 559  
O.P.R.K.C.T.



## TRACT 1

A PLAT OF 227,002 SQUARE FEET  
(5.211 ACRES) OF LAND SITUATED IN  
THE D. FALCON SURVEY, ABSTRACT NO.  
151, KAUFMAN COUNTY, TEXAS

DATE \_\_\_\_\_  
ZACHARY J. NELSON, RPLS NO. 6767  
COBB, FENDLEY & ASSOCIATES, INC.  
TBPELS FIRM REGISTRATION NO. 10194167

Description for Tract 2

**BEING** 53,669 square feet of land situated in the D. Falcon Survey, Abstract No. 151, Kaufman County, Texas, and being a portion of the second of two tracts of land, calling to contain a total of 25.253 acres as conveyed to the State of Texas, by deed, recorded in Volume 264 Page 396 O.P.R.K.C.T (Official Public Records of Kaufman County, Texas), and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2-inch iron rod found at the southwest corner of that called 20,225 square ft. "first tract" of land conveyed to John Owen Rough, a single person, and Tami Su Rough Mitchell, as her sole and separate property and estate, by deed, recorded in Volume 4685 Page 422 O.P.R.K.C.T, said corner being on an existing east r.o.w. (right-of-way) line of S.H. (State Highway) 34, and having a Texas State Plane Coordinate System, NAD 83 (Epoch 2011), North Central Zone (4202) surface coordinate of North 6,899,414.73, East 2,643,536.22;

- 1) **THENCE** North 77 degrees 14 minutes 21 seconds West, departing the existing east r.o.w. lines of said S.H. 34, and continuing over and across said r.o.w., and over and across said State of Texas Portion of Part 2 (264/396), a distance of 240.03 feet to a magnetic nail with shiner stamped "Cobb Fendley" set at an angle point in the east lines of a tract of land conveyed to Cola Property Kaufman LLC., by deed, recorded in Volume 5341 Page 205 O.P.R.K.C.T, said tract also being known as that called 1.153 acre Lot 2, Block 1, Kaufman Plaza Addition, according to the map or plat thereof recorded in Cabinet 3, Slide 326 O.P.R.K.C.T., and being on an existing west r.o.w. line of said S.H. 34, also being on an existing west line of said State of Texas Portion of Part 2 (264/396);
- 2) **THENCE** North 20 degrees 58 minutes 48 seconds East, with the common east line of said 1.153 acre tract and with an existing west r.o.w. line of said S.H. 34, also with a west line of said State of Texas Portion of Part 2 (264/396), passing at a distance of 168.24 feet the east corner of said 1.153 acre tract, and the southeast corner of a tract of land conveyed to KG Foods LLC., by deed, recorded in Volume 6046 Page 405 O.P.R.K.C.T, said tract also being known as that called 0.82 acre Lot 1, Block 1, Kaufman Plaza, according to the map or plat thereof recorded in Cabinet 3, Slide 67 O.P.R.K.C.T, and continuing along the common east line of said 0.82 acre tract and said existing west r.o.w. line of S.H. 34, also with said west line of State of Texas Portion of Part 2 (264/396), a total distance of 313.72 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "Cobb Fendley & Associates" set at the northeast corner of said 0.82 acre tract, and at the intersection of an existing south r.o.w. line of U.S. Highway 175 with said existing west r.o.w. line of S.H. 34, also being a west line of said State of Texas Portion of Part 2 (264/396);

Description for Tract 2

- 3) **THENCE** South 45 degrees 14 minutes 11 seconds East, departing the existing west r.o.w. lines of said S.H. 34, and departing the west lines of said State of Texas Portion of Part 2 (264/396), and continuing over and across the intersection of said S.H. 34 and U.S. Highway 175, and over and across said State of Texas Portion of Part 2 (264/396) a distance of 238.68 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "Cobb Fendley & Associates" set at the northwest corner of said 20,225 square ft. tract, and being at the intersection of an existing east r.o.w. line of said S.H. 34 with said existing south r.o.w. line of U.S. Highway 175;
- 4) **THENCE** South 34 degrees 14 minutes 30 seconds West, along a common west line of said 20,225 square ft. tract and an existing east r.o.w. line of said S.H. 34, a distance of 88.17 feet to a 1/2-inch iron rod with a red plastic cap stamped "Summit Surveying" found at an angle point in the west lines of said 20,225 square ft. tract;
- 5) **THENCE** South 01 degrees 03 minutes 07 seconds East, continuing along a common west line of said 20,225 square ft. tract and an existing east r.o.w. line of said S.H. 34, a distance of 105.00 feet to the **POINT OF BEGINNING** and containing 53,669 square feet or 1.232 acres of land, more or less.

Note: Bearings shown hereon are referenced to the Texas Coordinate System of 1983, North Central Zone, and are based on the North American Datum of 1983, 2011 Adjustment. All distances and coordinates shown hereon are surface values displayed in US Survey Feet and may be converted to grid values by dividing those surface values by a Surface Adjustment Factor of 1.000114077.

Note: This written description is accompanied by a survey plat which covers the identical parcel that is shown hereon, signed and sealed on even date herewith and is hereby made a part of this document.

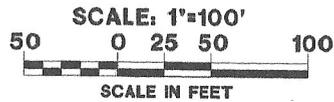
I, Zachary J. Nelson, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this legal description and accompanying plat of even survey date represent an actual survey made on the ground under my supervision.

---

Zachary J. Nelson  
Texas Registered Professional Land Surveyor #6767  
TBPLS Firm Number 10194167  
CobbFendley  
University Centre I  
1300 South University Drive, Suite 300  
Fort Worth, Texas 76107



D. FALCON SURVEY  
ABST. NO. 151

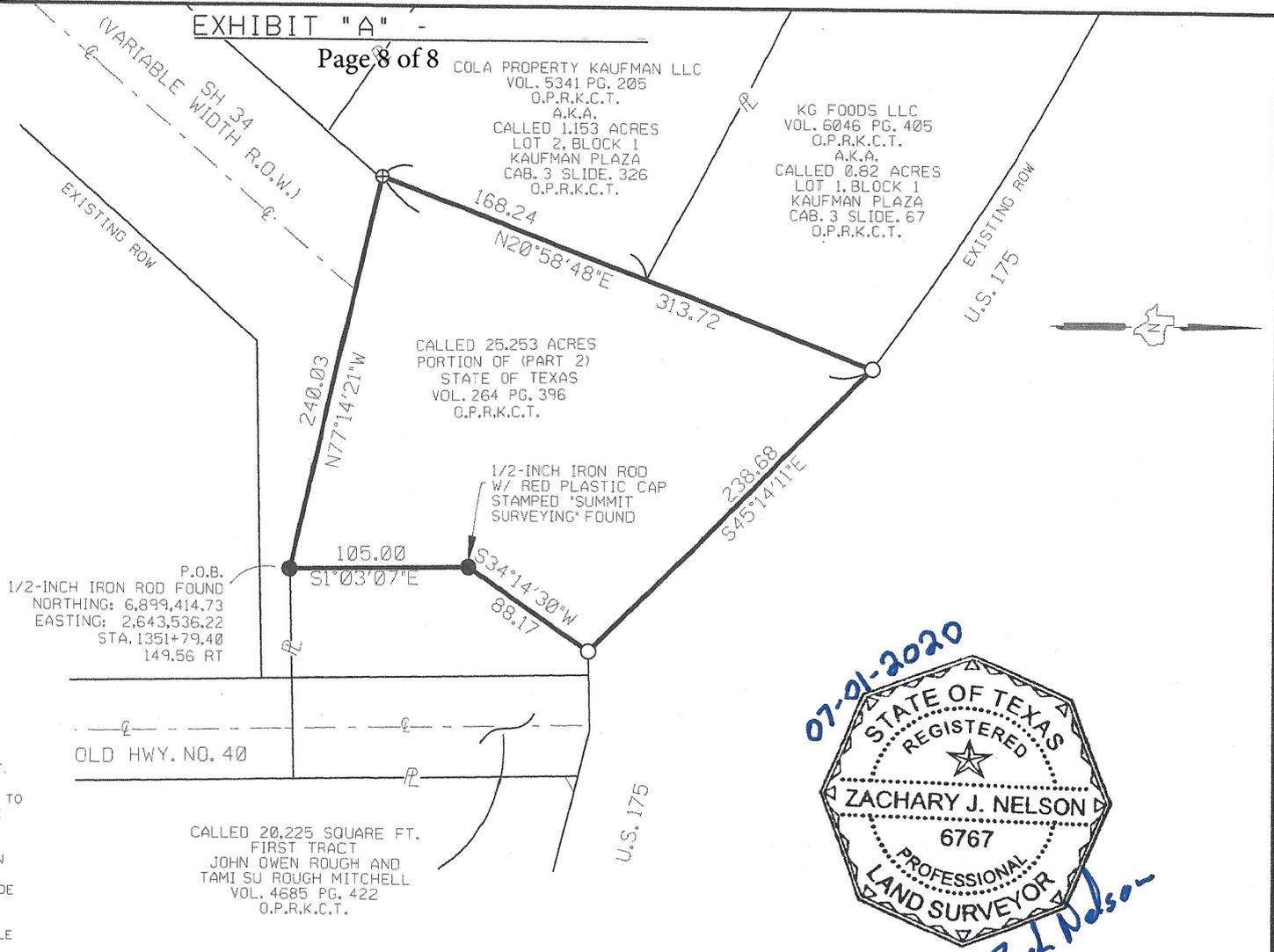


NOTES:

1. BEARINGS SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE, AND ARE BASED ON THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT. ALL DISTANCES AND COORDINATES SHOWN HEREON ARE SURFACE VALUES DISPLAYED IN US SURVEY FEET AND MAY BE CONVERTED TO GRID VALUES BY DIVIDING THOSE SURFACE VALUES BY A SURFACE ADJUSTMENT FACTOR OF 1.000114077.
2. THIS SURVEY PLAT IS ACCOMPANIED BY A WRITTEN DESCRIPTION WHICH COVERS THE IDENTICAL PARCEL THAT IS SHOWN HEREON, SIGNED AND SEALED ON EVEN DATE HERewith AND IS HEREBY MADE A PART OF THIS DOCUMENT.
3. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. THE SURVEYOR DID NOT RESEARCH SUBJECT PROPERTY TITLE INFORMATION AND/OR ENCROACHMENTS. THERE MAY BE EASEMENTS AND/OR RESTRICTIVE COVENANTS OF RECORD AFFECTING THIS PROPERTY WHICH ARE NOT SHOWN HEREON

DATE \_\_\_\_\_  
ZACHARY J. NELSON, RPLS NO. 6767  
COBB, FENDLEY & ASSOCIATES, INC.  
TBPELS FIRM REGISTRATION NO. 10194167

TRACT 2  
A PLAT OF 53,669 SQUARE FEET (1.232 ACRES) OF LAND SITUATED IN THE D. FALCON SURVEY, ABST NO. 151, KAUFMAN COUNTY, TEXAS



- = 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "COBB FENDLEY & ASSOCIATES" SET OR AS OTHERWISE NOTED
- ▲ = 3.25" ALUMINUM DISK STAMPED "TEXAS DEPARTMENT OF TRANSPORTATION"
- = MONUMENT FOUND "AS NOTED"
- ⊕ = MAGNETIC NAIL W/ SHINER STAMPED "COBB FENDLEY & ASSOCIATES"
- O.P.R.K.C.T. = OFFICIAL PUBLIC RECORDS OF KAUFMAN COUNTY, TEXAS
- P.O.C. = POINT OF COMMENCING
- P.O.B. = POINT OF BEGINNING
- = TURN-BACK LINE
- ℓ— = PROPERTY LINE
- ℓ— = CENTERLINE
- = EXISTING RIGHT-OF-WAY